

The Defendant is a private individual who wrote a newspaper article mentioning the Plaintiff. Under these allegations, the Defendant did not act under color of state law. Thus, Plaintiff has failed to state a claim upon which § 1983 relief can be granted. Even if the Defendant were acting under

color of state law, defamation is not a federal constitutional tort and does not state a cognizable claim under 42 U.S.C. § 1983 where there is a state remedy. Paul v. Davis, 424 U.S. 693 (1976). Plaintiff has a state remedy. Tenn. Code Ann. § 29-24-101.

When a prisoner Plaintiff proceeding *in forma pauperis*, as here, fails to state a claim upon which relief can be granted, the Court must dismiss the instant action *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order is filed herewith.

  
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WILLIAM J. HAYNES, JR.  
Chief District Judge